



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Bruce Robie et al.**

Examiner: **Philogene, Pedro**

Serial No.: **10/035,863**

Group Art Unit: **3732**

Filed: **December 31, 2001**

Docket No.: **Implex-13**

For: **INSTRUMENT SYSTEM FOR  
PREPARING A DISC SPACE BETWEEN  
ADJACENT VERTEBRAL BODIES TO  
RECEIVE A REPAIR DEVICE**

Date: **August 4, 2003**

*E.O. 732#8  
Section  
S. Bruce  
8/13/03*

I CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

*Cheryl L. Powell*

Cheryl L. Powell

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
**AUG 13 2003**

**TECHNOLOGY CENTER R3700**

Sir:  
08/20/2003 THAKIM 00000004 502061 10035863  
01 FC:2251 55.00 DA

**RESPONSE TO RESTRICTION**

Dear Sir:

Pursuant to the Office Action dated July 2, 2003, received in regard to the above-noted action, the Examiner has imposed a restriction to one of the following inventions under 35

U.S.C. § 121:

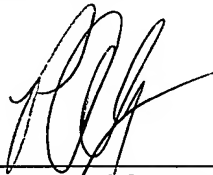
- I. Figures 1A through 1C relating to claims 1 and 15 through 17.
- II. Figures 2A through 2C relating to claims 18 through 20.
- III. Figures 1D, 3A through 3B, 4A through 4C and 5 through 12 relating to claims 2 through 16.

In order to proceed with prosecution, the applicant hereby provisionally elects, without traverse, to prosecute claims 1 and 15 through 17, which cover Figures 1A to 1C.

If the Examiner wishes to discuss this matter, please contact the applicant's attorney directly at the telephone number and address indicated below.

No fees are believed due as a result of this communication. The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,

  
\_\_\_\_\_  
PAUL A. SCHWARZ  
Reg. No. 37,577

Duane Morris LLP  
100 College Road West, Suite 100  
Princeton, New Jersey 08540  
(609) 919-4408 - telephone  
(609) 919-4401 - facsimile